

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2006-212-C - ORDER NO. 2007-133
FEBRUARY 28, 2007

IN RE: Mamie L. Jackson,)	ORDER GRANTING
)	MOTION TO DISMISS
Complainant/Petitioner,)	
)	
v.)	
)	
BellSouth Telecommunications, Inc.,)	
)	
Defendant/Respondent.)	
_____)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Renewed Motion to Dismiss filed by BellSouth Telecommunications, Inc. (BellSouth) on February 2, 2007. By this filing, BellSouth moves for dismissal of the complaint of Mamie L. Jackson (Ms. Jackson). The present proceeding was established upon the filing of a complaint with the Commission by Ms. Jackson on July 27, 2006.

In accordance with 26 S.C. Code Ann. Regs. 103-869(C), the Commission's Docketing Department informed all parties by letter dated September 25, 2006, of the dates that direct testimony and exhibits would be due in the proceeding. Ms. Jackson failed to file her testimony by the deadline of December 7, 2006, and subsequently BellSouth filed on December 15, 2006 a motion to dismiss Ms. Jackson's complaint, or

in the alternative, to issue a new procedural schedule. Thereafter, Ms. Jackson filed a motion requesting to extend the time to file testimony and to reschedule the hearing in this matter. The Commission held BellSouth's motion to dismiss in abeyance and granted the motion of Ms. Jackson.¹ Accordingly, the Commission established a revised schedule, and the revised dates for filing testimony and exhibits were set forth in a letter from the Commission's Docketing Department dated January 12, 2007. This letter was sent to Ms. Jackson by both certified and regular U.S. mail. By the revised schedule, Ms. Jackson's direct testimony and exhibits were to be filed on or before January 25, 2007.

BellSouth states in its motion that BellSouth has not been served with the testimony of Ms. Jackson and that BellSouth has been advised that the Commission has no record of Ms. Jackson having filed her testimony.² BellSouth asserts that Ms. Jackson's second failure to comply with the Commission's schedule for prefiling direct testimony clearly constitutes an unreasonable neglect in pursuing her claims. BellSouth requests that the Commission dismiss Ms. Jackson's complaint without recourse to file a complaint regarding the same allegations again.

After due consideration, the Commission finds that BellSouth's Renewed Motion to Dismiss should be granted. As a consequence, the hearing in this matter should be cancelled.

¹ See Commission Order No. 2007-43, dated January 24, 2007, Order Granting Extension for Testimony, Rescheduling Hearing, and Holding Request to Dismiss in Abeyance.

² The Commission confirms that the direct testimony and exhibits of Ms. Jackson due January 25, 2007, in Docket No. 2006-212-C have not been filed with the Commission.


IT IS THEREFORE ORDERED THAT:

1. The Renewed Motion to Dismiss of BellSouth Telecommunications, Inc. is granted, and the complaint of Mamie L. Jackson is dismissed without recourse to file a complaint regarding the same allegations again.

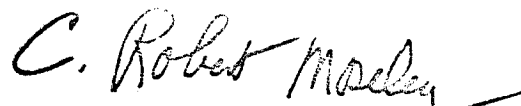
2. The hearing scheduled in this matter for March 8, 2007, is hereby cancelled.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


G. O'Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman

(SEAL)